

RESOLUTION NO. 90-15-R

A RESOLUTION TO ESTABLISH AN EMPLOYEE SMOKING POLICY
FOR THE CITY OF MADISON, ALABAMA

WHEREAS, the Madison City Council on Feb. 27,
1990, adopted Ordinance No. 90-6, entitled "AN ORDINANCE TO
REGULATE SMOKING IN CERTAIN PUBLIC PLACE; and

WHEREAS, said Ordinance provides that all employers in the
City of Madison must adopt an employee smoking policy on or
before April 29, 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
MADISON, ALABAMA, in recognition of the fact that the U.S.
Surgeon General has declared "secondary smoke" to be a health
hazard to nonsmokers, hereby adopts the attached Smoking Policy
in order to reach a reasonable accommodation between the rights
of smoking and nonsmoking employees, and in order to serve
public health, safety and welfare.

RESOLVED this 27 day of February, 1990.

Teague Cikleback
Teague Cikleback
Mayor and Presiding Officer of
the City Council of the City of
Madison, Alabama

ATTEST:

Betty C. Benson
Betty C. Benson
City Clerk, CMC

CITY OF MADISON SMOKING POLICY

PURPOSE: The City of Madison, in recognition of the fact that the U.S. Surgeon General has declared "secondary smoke" to be a health hazard to nonsmokers, adopts this policy in order to reach a reasonable accommodation between the rights of smoking and nonsmoking employees, and in order to serve public health, safety and welfare.

I. Statement of Policy.

It shall be the policy of the City of Madison, and all departments thereof, to provide a safe and nonhazardous work environment for all of its employees, insofar as possible.

II. Accommodation of Smokers and Nonsmokers.

It shall be the policy of the City of Madison, and all departments thereof, to attempt to reach a reasonable accommodation between the preferences of smoking and nonsmoking employees. However, if a satisfactory accommodation cannot be reached, the preferences of nonsmoking employees shall prevail for health, safety and welfare reasons.

III. Post of Signs.

A "No Smoking" sign shall be conspicuously posted at all entrances of all enclosed buildings owned and/or operated by the City of Madison. Said "No Smoking" signs shall contain in substance the following:

"Smoking is prohibited throughout this building, except in designated smoking areas."

IV. Prohibited Smoking Areas.

Smoking is prohibited in all areas of all city buildings or vehicles unless the area or some portion thereof becomes a designated smoking area pursuant to the procedures set forth hereinafter.

V. PRIVATE OFFICES.

Smoking shall be permitted in private offices if designated as a smoking area pursuant to the procedures set forth hereafter. "Private Offices" are those offices which are occupied by only one employee. However, an employee occupying an office designated as a smoking area must conspicuously post a "Designated Smoking Area" sign at the entrance to said office, in order to give notice to nonsmokers.

VI. Procedure to Designate Smoking Areas.

The following procedures shall be observed in order to designate a particular area a smoking area, with the exception of private offices:

- a. A request must be made to the employee's department head in writing.
- b. Next, the department head in charge of that department must consent to the area in question being designated a smoking area.
- c. A "Designated Smoking Area" sign must be requested and conspicuously posted in order to give nonsmokers notice, before said area may become a "designated smoking area."
- d. No request of an employee who occupies a "private office" (as defined in Section V hereof) may be denied to designate said office as a "Designated Smoking Area."

VII. Prompt Compliance.

All initial "No Smoking" and/or "Designated Smoking Area" signs shall be posted as soon as possible, and in no event later than March 1, 1990. Nothing in this policy prevents the addition of more "No Smoking" signs in the future.

VIII. "No Smoking" Departments Not Prohibited.

Nothing in this policy requires a department to designate a smoking area except as provided in Section VI(d) above. If the majority of employees within a department elects to totally ban smoking in the department, the department may totally ban smoking in the department except in "private offices" designated as smoking areas. However, in no event shall a department be designated a smoking area in its entirety.

IX. Dispute Resolution.

Any complaints or disputes resulting from the implementation of this Smoking Policy, or smoking on City property in general, should be directed to the Department Head in charge of that employee's department and/or to the Mayor's office.

X. Retaliation Prohibited.

No employee of the City of Madison shall harass or otherwise discriminate or retaliate against any other City employee who seeks to enforce the mandates of this policy and/or Municipal Ordinance No. 90-6, "An Ordinance to Regulate Smoking in Certain Public Places," adopted February 7-7, 1990.

XI. Notice.

The City of Madison shall give notice to all of its employees of this policy by requiring a copy of said policy to be conspicuously posted in each department of the City. A copy of said policy shall be made available to each new employee of the City of Madison by the employee's department head.